

BARRY J. PORTMAN
Federal Public Defender
ELIZABETH M. FALK
Assistant Federal Public Defender
450 Golden Gate Avenue
San Francisco, CA 94102
Telephone: (415) 436-7700
Counsel for Defendant WATTEN

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
vs.
RAYMOND WATTEN,
Defendant.

No. CR 10-515 WHA

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING STATUS
CONFERENCE**

Date: January 11, 2011
Time: 2:00 p.m.
Court: The Honorable William H. Alsup

STIPULATION

The parties agree to continue the restitution hearing in the above-captioned matter from January 11, 2011 until February 1, 2011 at 2:00 p.m. The purpose of the continuance is to allow defense counsel to obtain a letter from Mr. Watten's doctor regarding his medical condition and ongoing weakness, and present the letter to the U.S. Attorney's office for the purposes of negotiating a disposition of this matter. Defense counsel has obtained Mr. Watten's medical records but believes that a clarifying letter from Mr. Watten's internist is necessary to explain the records and provide an overview of Mr. Watten's health issues at this point in time, as well as his prognosis for recovery.

Defense counsel has spoken to Judy Watten, wife of Raymond Watten, who has indicated that Mr. Watten is still recuperating and can only walk very short distances with a cane, and does not have measurable stamina. He is not able to drive and cannot walk any distance unassisted by Ms. Watten or his physical therapist. Ms. Watten is concerned that she cannot manage Mr. Watten on a nearly-day long outing to come to San Francisco for a 2 p.m. court appearance, given that the couple

lives in Kenwood, California which is an hour and a half away from San Francisco and a two and a half hour drive returning from Court in rush hour traffic. She has asked me to ask the Court for an additional couple of weeks to allow Mr. Watten to regain strength through physical therapy before he makes the journey to San Francisco to attend court.

The parties intend to use this time to meet and confer over an appropriate disposition in this matter once Mr. Watten's internist, Dr. Robert Schaeffer, puts together an overview in letter for of Mr. Watten's condition. It is the parties' intention to present the Court with a firm idea of how this case will proceed at the February 1, 2011 court appearance.

Under 18 U.S.C. § 3161(h)(3)(B)(4), the parties jointly request that the Court exclude time under the Speedy Trial act, based on the fact that Mr. Watten's physical condition renders him physically unable to stand trial.

IT IS SO STIPULATED.

DATED: 1/7/11

/S/
ELIZABETH M. FALK
Assistant Federal Public Defender

DATED: 1/7/11

/S/
OWEN MARTIKAN
Assistant United States Attorney

~~PROPOSED~~ ORDER

Based upon the aforementioned representations of the parties, and for good cause shown, it is hereby ORDERED that this matter be continued from January 11, 2011 to February 1, 2011 at 2:00 p.m. Based on the representations presented above, this Court further finds that the ends of justice served by granting the continuance outweighs the best interests of the public and the defendant in a

\\

\\

1 speedy trial. 18 U.S.C. § 3161(h)(3)(B)(4).

2
3 DATED: January 10, 2011.



THE HONORABLE WILLIAM H. ALSUP
UNITED STATES DISTRICT JUDGE

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
STIP & ORDER CONTINUING
Hearing
10-515 WHA